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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,375

03/12/2004

Shuji Ono

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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

07/10/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/798,375	Applicant(s) ONO, SHUJI	
	Examiner Heather R. Jones	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8-12, 15, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 13, 14, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/12/2004, 3/29/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12 and 13 both recite the limitation "said judgement location" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6, 8, 10, 12, 15, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Amir et al. (U.S. Patent 6,539,100).

Regarding claim 1, Amir et al. discloses a camera comprising: an image data input unit (104) forming a plurality of images of a subject for photographing

the subject (Fig. 1); a condition storing unit storing a predetermined photographing condition related to a desirable variation of the subject (col. 7, lines 9-41); a variation subject in the detector detecting variation of the plurality of the images based on information of the plurality of images (col. 4, line 63 – col. 5, line 14); and a timing signal generator outputting a timing signal when the variation of the subject satisfies the photographing condition (col. 4, line 63 – col. 5, line 4).

Regarding claim 2, Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the camera further comprising: an extractor extracting data of an aimed object from each of the plurality of images of the subject based on an extracting condition, wherein the photographing condition includes a predetermined condition related to a desirable aimed object (col. 7, lines 9-41), the variation detector detects variation of the aimed object in the plurality of images based on the information of the plurality of images (col. 4, line 63 – col. 5, line 14), and the timing signal generator outputs the timing signal when the variation of the aimed object satisfies the photographing condition (col. 4, line 63 – col. 5, line 14).

Regarding claim 3, Amir et al. discloses all the limitations as previously discussed with respect to claim 1 including that the extracting condition is based on depth information of the plurality of images indicating the distance to each part of the subject (col. 7, lines 10-16 and 26-31).

Regarding claim 6, Amir et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the extractor extracts data of a plurality of the aimed objects from each of the plurality of images (col. 7, lines 9-41), the variation detector detects variation of each of the plurality of the aimed objects in the plurality of images based on information of the plurality of images (col. 4, line 63 – col. 5, line 14), and the timing signal generator outputs the timing signal when the variation of the plurality of the aimed objects satisfy the photographing condition (col. 4, line 63 – col. 5, line 14).

Regarding claim 8, Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the camera further comprising an image pickup control unit controlling the input unit for photographing the image based on the timing signal (col. 4, line 63 – col. 5, line 14).

Regarding claim 10, Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the camera further comprising recording unit recording the image on a replaceable nonvolatile recording medium based on the timing signal (col. 5, lines 25-33).

Regarding claim 12, Amir et al. discloses all the limitations as previously discussed with respect to claim 1 including that the photographing condition includes a plurality of photographing conditions (col. 7, lines 9-41), and the camera further comprises a condition-setting unit previously selecting at least one of the photographing conditions for photographing the image, from among

the plurality of photographing conditions (col. 4, line 63 – col. 5, line 14 – the picture is taken when all the subject's eyes are open).

Regarding claims **15, 16, and 19**, these are method claims corresponding to the apparatus claims 1 and 2. Therefore, claims 15 and 16 are analyzed and rejected as previously discussed with respect to claims 1 and 2.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir et al. as applied to claim 1 above, and further in view of Isoguchi et al. (U.S. Patent 4,881,127).

Regarding claim 9, Amir et al. discloses all the limitations as previously discussed with respect to claim 1, except an illuminator illuminating the subject based on the timing signal.

Referring to the Isoguchi et al. reference, Isoguchi et al. discloses a camera comprising an illuminator illuminating the subject based on the timing signal (col. 25, lines 15-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an illuminator to illuminate the

subject based on the timing signal as disclosed by Isoguchi et al. with the camera disclosed by Amir et al. in order to assure that the image is adequately illuminated to obtain a high quality image.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir et al. as applied to claim 1 above, and further in view of Windle (U.S. Patent 6,606,117).

Regarding claim 11, Amir et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose an alarm outputting an alarm signal for notifying that the subject satisfies the photographing condition based on the timing signal.

Referring to the Windle reference, Windle discloses a camera wherein an alarm outputs an alarm signal for notifying that the subject satisfies the photographing condition based on the timing signal (Fig. 6; col. 7, lines 33-43).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to have provided an alarm on the camera disclosed by Amir et al. as taught by Windle in order to alert the user when the predetermined conditions were met in case the user was not paying attention.

***Allowable Subject Matter***

9. Claims 4, 5, 7, 13, 14, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a camera:

- a. Wherein the extractor detects data of a judgement location from the data of the aimed object in each of the plurality of images based on a detecting condition different from the extracting condition, the photographing condition includes a predetermined photographing condition related to a desirable judgement location, the variation detector detects variation of the judgement location in the plurality of images based on the information of the plurality of images, and the timing signal generator outputs the timing signal when the variation of the judgement location satisfies the photographing condition (claims 4 and 17, claim 5 depends from claim 4 and claim 18 depends from claim 17).
- b. Wherein the extractor detects data of a plurality of judgement locations from each of the data of the plurality of aimed objects based on a detecting condition different from the extracting condition, the photographing condition includes a predetermined photographing condition related to desirable variation of the judgement location, the variation detector detects variation of each of the plurality of the judgement locations in the plurality of images based on information of the plurality of images, and the timing signal generator outputs the timing signal when the variation of the plurality of the judgement locations satisfy the photographing condition (claim 7).
- c. Wherein the timing signal generator selects the judgement location satisfying the photographing condition from among the plurality of the judgement



locations in the plurality of images, and outputs information for the aimed object including the judgement location, and the camera further comprising: an input condition determining unit determining an input condition for inputting the image based on information for the judgement location; and an image forming control unit controlling an input unit for forming the image of the subject based on the input condition (claim 13).

d. Wherein the timing signal generator selects the judgement location satisfying the photographing condition from among the plurality of the judgement locations in the plurality of images, and outputs information for the aimed object including the judgement location, and the camera further comprising an image processing unit processing the image based on the information for the judgement location (claim 14).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 25, 2007



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